

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with J. Paul Plummer on January 31, 2008.

The application has been amended as follows:

Claim 1 has been amended as follows:

In line 6, "an amplitude spectrum" has been changed to the amplitude spectrum.

In line 7, "taper to zero at a rate faster than does" has been changed to have amplitude values less than corresponding amplitudes from.

In line 8, "an amplitude spectrum" has been changed to the amplitude spectrum.

Claim 26 has been amended as follows:

In line 9, "an amplitude spectrum" has been changed to the amplitude spectrum.

In line 10, "taper to zero at a rate faster than does" has been changed to have amplitude values less than corresponding amplitudes from.

In line 11, "an amplitude spectrum" has been changed to the amplitude spectrum.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: the prior art does not teach or make obvious *specifying a desired seismic wherein the high and low*

frequency portions of the amplitude spectrum of said impulse response have amplitude values less than corresponding amplitudes from the high and low frequency portions of the amplitude spectrum of the vibrator signature.

The inventiveness of this feature is noted in an industry specific NPL, published by the inventor, Christine E. Krohn, "HFVSTM: Enhanced data quality through technology integration." (pg. E16, Wavelet Shaping).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Election/Restrictions

3. Claims 1-47 are allowable. The restriction requirement, as set forth in the Office action mailed on March 9, 2007, has been reconsidered in view of the arguments presented in the Remarks dated Aug. 15, 2007 (pg. 3, 1st full paragraph), which are convincing. **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.**

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is **withdrawn**, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Specification

4. The amendment to the specification filed 8/15/07 has been entered.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deandra M. Hughes whose telephone number is 571-272-6982. The examiner can normally be reached on M-F, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 3663

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Deandra M Hughes/
Primary Examiner, Art Unit 3663